

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT JOHNSON,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:20-cv-00591-ART-CLB

ORDER

This habeas matter comes before the Court on *sua sponte* reconsideration of its denial of Petitioner Robert Johnson's motion for appointment of counsel (ECF Nos. 1-2, 6). Having reviewed the parties' submissions, the Court concludes that the just course is to appoint counsel and that the appointment of counsel would assist the Court in adjudicating the matter. The Court, therefore, *sua sponte* reconsiders and reverses its prior order (ECF No. 6) denying Petitioner's motion to appoint counsel. The Court further stays the deadline for Johnson to file his reply in support of his petition for writ of habeas corpus pending the appointment of counsel.

It is therefore ordered Petitioner Robert Johnson's Motion for Appointment of Counsel (ECF No. 1-2) is granted.

It is further ordered that the deadline for Johnson to file his reply in support of his petition for writ of habeas corpus is stayed pending appointment of counsel.

It is further ordered that Federal Public Defender is provisionally appointed as counsel and will have 30 days to undertake direct representation of Johnson or to indicate the office's inability to represent Johnson in these proceedings. If the Federal Public Defender is unable to represent Johnson, the

1 Court will appoint alternate counsel. The counsel appointed will represent  
2 Johnson in all federal proceedings related to this matter, including any appeals  
3 or *certiorari* proceedings, unless allowed to withdraw. A deadline for the filing of  
4 an amended petition and/or seeking other relief will be set after counsel has  
5 entered an appearance.

6 It is further ordered that any deadline established and/or any extension  
7 thereof will not signify any implied finding of a basis for tolling during the time  
8 period established. Johnson at all times remains responsible for calculating the  
9 running of the federal limitation period and timely presenting claims. That is,  
10 by setting a deadline to amend the petition and/or by granting any extension  
11 thereof, the Court makes no finding or representation that the petition, any  
12 amendments thereto, and/or any claims contained therein are not subject to  
13 dismissal as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

14 It is further ordered that the Clerk of the Court will send a copy of this  
15 order to the *pro se* petitioner, the Nevada Attorney General, the Federal Public  
16 Defender, and the CJA Coordinator for this division.

17 DATED THIS 11<sup>th</sup> day of August 2022.

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20 UNITED STATES DISTRICT JUDGE  
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